

## DECLARATION OF CONTINUATION-IN-PART FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: **Fuel Cell Power System and Method of Controlling a Fuel Cell Power System**, the specification of which is attached hereto.

This application in part discloses and claims subject matter disclosed in my earlier filed pending application, Ion Exchange Membrane Fuel Cell, Serial No. 09/577,407, filed May 17, 2000;

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims.

I hereby claim benefit under Title 35, United States Code, §120 in connection with said earlier filed application;

I acknowledge the duty to disclose information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations §1.56, including any such information which became available between the filing date of the prior application and the national or PCT international filing date of this application.

As to the subject matter of this application, which is common to said earlier application, I do not know and do not believe that the same was ever known or used in the United States of America before my invention thereof or patented or described in any printed publication in any country before my

invention thereof, or more than one year prior to said earlier application, or in public use or on sale in the United States of America more than one year prior to said earlier application;

The common subject matter has not been patented or made the subject of an inventor's certificate issued before the date of said earlier application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to said earlier application; and

As to applications for patents or inventor's certificate on the common subject matter filed in any country foreign to the United States of America, prior to said earlier application by me or my legal representatives or assigns, I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

#### PRIOR FOREIGN APPLICATION(S)

No such applications have been filed.

As to the subject matter of this application which is not common to said earlier application, I do not know and do not believe that the same was ever known or used in the United States of America before my invention thereof or patented or described in any printed publication in any country before my invention thereof, or more than one year prior to this application, or in public use or on sale in the United States of America more than one year prior to this application;

Said non-common subject matter has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to this application; and

As to applications for patents or inventor's certificate on the invention filed in any country foreign to the United States of America prior to this application by me or my legal representatives or assigns, I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and certificate having a filing date before that of the application on which priority is claimed:

**PRIOR FOREIGN APPLICATION(S)**

No such applications have been filed.

**POWER OF ATTORNEY:**

As a named Inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: David P. Roberts, Reg. No. 23,032; Randy A. Gregory, Reg. No. 30,386; Mark S. Matkin, Reg. No. 32,268; James L. Price, Reg. No. 27,376; Deepak Malhotra, Reg. No. 33,560; Mark W. Hendricksen, Reg. No. 32,356; David G. Latwesen, Reg. No. 38,533; George G. Grigel, Reg. No. 31,166; Keith D. Grzelak, Reg. No. 37,144; James D. Shaurette, Reg. No. 39,833; Frederick M. Fliegel, Reg. No. 36,138; Donald Brent Kenady,

Reg. No. 40,045; James E. Lake, Reg. No. 44,854; and Bernard Berman, Reg. No. 37,279.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statement may jeopardize the validity of the application or any patent issued therefrom.

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Full name of inventor: **William A. Fuglevand**

Inventor's Signature: William A. Fuglevand

Date: July 26, 2001

Residence: **Spokane, Washington**

Citizenship: **U.S.**

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